

In The Matter Of:
Cheri Marie Hanson vs.
Daniel Best, et al.

Officer Daniel Best
June 20, 2016



Min-U-Script® with Word Index

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<p>1 Q. Now, when you arrived at the Hy-Vee, 2 was your audio turned on, as well, or how -- 3 A. It's -- because I'm not working today, 4 but there would be a microphone in here (indicating). 5 Q. Okay. 6 A. And you hit a red button to activate 7 it. 8 Q. And your microphone was activated. Is 9 that correct? 10 A. Yeah. 11 Q. Now, looking at you -- are you in the 12 same type of uniform that you would have been wearing 13 on January 1 or has it been changed? 14 A. It's -- January 1, I would have had 15 layers of clothing on, including a sweater. 16 Q. I understand. 17 A. Yeah. 18 Q. I'm mostly interested in on your right 19 shoulder, you have -- 20 A. Yeah (indicating). 21 Q. What is that? 22 A. This setup would be the same. 23 Q. Okay. 24 A. And then on my sweater would be my 25 badge (indicating) and my name tag (indicating).</p>	<p>1 A. Should be. 2 Q. Okay. 3 A. That's a software thing. 4 Q. Yeah. But it's intended to be? 5 A. Yes. 6 Q. It's supposed to be? 7 A. Right. 8 Q. If it's operating correctly, it would 9 be? 10 A. Right. 11 Q. On January 1, 2013, to your knowledge, 12 was your dash cam and your audio mic working properly? 13 A. To the best of my knowledge. 14 Q. Okay. To the best of your knowledge, 15 the audio recorder and the dash cam would have been 16 working together in sync? 17 A. Correct. 18 Q. Okay. Now, at about 4:44/4:45 a.m. on 19 January 1st, you entered the Hy-Vee entryway. Is that 20 correct? 21 A. Yes. 22 Q. And when you entered the Hy-Vee, people 23 were inside the front cart area of the store. Is that 24 correct? 25 A. I believe Christopher Ahl was. Memory</p>
<p>1 Q. Okay. On your right shoulder, what is 2 that? 3 A. This is a lapel mic. 4 Q. It's a Motorola what? 5 A. It's a lapel mic. 6 Q. Okay. Is that for communicating with 7 the dispatcher -- 8 A. Yep. 9 Q. -- or other squads? 10 A. Both. 11 Q. Okay. And, then, on your left 12 shoulder, which is empty, you have a leather container 13 attached to your epaulette. 14 A. Uh-huh. 15 Q. What does that contain normally if you 16 were on duty? 17 A. That's where the microphone goes. 18 Q. Okay. 19 A. It's roughly the same size as this 20 (indicating). 21 Q. Okay. 22 A. You just pull it up (indicating), put 23 the microphone in, and lock it into place. 24 Q. All right. And the microphone, then, 25 is that in sync with the video on your dash cam?</p>	<p>1 serves there was people on the other side of the 2 window that were in the store, including some 3 employees. 4 Q. Okay. To the best of your 5 recollection, was Christopher Ahl the only person that 6 would have been in the actual cart area of the store 7 when you first came in? 8 A. I couldn't be positive. Because I 9 would have came in on and Andrew and then saw 10 Christopher, I think, like, 10 or 15 feet away. 11 Q. Now, the front cart area of the Hy-Vee 12 store is at the front entry area of the Hy-Vee, 13 correct? 14 A. Correct. On the south side of the 15 building. 16 Q. Okay. Now, before you arrived at the 17 Hy-Vee, did you have an understanding whether 18 Andrew Layton had entered the main area of the store? 19 A. No. I just went with what the 20 information was. It came in as a suspicious person 21 sleeping in the front entry, which is not untypical 22 for downtown Hy-Vee because of our homeless 23 population. 24 Q. Okay. Were you aware or did you have 25 any information to suggest that before you arrived at</p>

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<p>1 the store, Andrew had made any type of a commotion at 2 the store?</p> <p>3 A. No.</p> <p>4 Q. In fact, he hadn't, based on your 5 investigation or whatever, he had not made any type of 6 a commotion at the store prior to you arriving. Is 7 that a fair statement?</p> <p>8 MR. FLYNN: Objection. Foundation.</p> <p>9 THE WITNESS: Him sleeping in the front 10 entry at 4:30 in the morning is a commotion for the 11 staff.</p> <p>12 BY MR. BEHRENBRINKER:</p> <p>13 Q. Okay. Well, the staff didn't call you, 14 did --</p> <p>15 A. No.</p> <p>16 Q. And the staff didn't --</p> <p>17 A. It was the cab driver.</p> <p>18 Q. It was such a commotion, the staff 19 wasn't even aware of it?</p> <p>20 MR. FLYNN: Objection. Argumentative.</p> <p>21 BY MR. BEHRENBRINKER:</p> <p>22 Q. Is that true?</p> <p>23 MR. FLYNN: Foundation.</p> <p>24 BY MR. BEHRENBRINKER:</p> <p>25 Q. Is that correct, sir?</p>	<p>1 A. No, I -- okay.</p> <p>2 Q. Had anyone told you or given you any 3 information to suggest that, prior to your arrival, 4 Andrew had been abusive in any way toward anyone else?</p> <p>5 A. At the store?</p> <p>6 Q. At the store.</p> <p>7 A. No.</p> <p>8 Q. Okay. Had anyone suggested or told you 9 that, prior to your arriving, Andrew had disturbed the 10 peace --</p> <p>11 A. No.</p> <p>12 Q. -- of anyone at the store?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 MR. FLYNN: Make sure you let him 16 finish his question before you start to answer.</p> <p>17 THE WITNESS: I will.</p> <p>18 BY MR. BEHRENBRINKER:</p> <p>19 Q. When you entered the store, do you 20 remember people laughing at Andrew laying on the floor 21 sleeping?</p> <p>22 A. Only after I reviewed the video.</p> <p>23 Q. Okay.</p> <p>24 A. That's not from my immediate memory.</p> <p>25 Q. Okay. So you have a recollection after</p>
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<p>1 A. Say it again. I'm sorry.</p> <p>2 Q. The staff wasn't even aware that Andrew 3 was sleeping in the cart area, correct?</p> <p>4 A. I'm assuming --</p> <p>5 MR. FLYNN: Objection. Foundation.</p> <p>6 BY MR. BEHRENBRINKER:</p> <p>7 Q. Isn't that correct, sir?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Did anyone tell you that, before 10 you arrived, Andrew had created any type of a 11 disturbance inside the Hy-Vee store?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did anyone tell you or give you 14 any information to suggest that Andrew had exhibited 15 any type of rowdy behavior at the Hy-Vee store prior 16 to your arrival?</p> <p>17 A. No, sir.</p> <p>18 Q. Okay. Had anyone suggested or told you 19 that Andrew had verbally threatened anyone at the 20 Hy-Vee store prior to your coming?</p> <p>21 A. No. The knowledge that I had was a 22 suspicious person sleeping in the front lobby. That 23 was the only information I had --</p> <p>24 Q. I understand that. I'm just trying to 25 ask my questions.</p>	<p>1 you've reviewed -- would that have been the cell phone 2 video?</p> <p>3 A. Yes.</p> <p>4 Q. So you viewed the cell phone video and 5 based upon your viewing of that, it refreshes your 6 memory that when you came in the store, people were 7 laughing at Andrew sleeping in the cart area. Is that 8 a fair statement?</p> <p>9 A. Yes.</p> <p>10 Q. Now, when you came into the store, 11 Andrew was curled up in a fetal position snoring -- or 12 sleeping and snoring, correct?</p> <p>13 MR. FLYNN: Objection. Foundation.</p> <p>14 BY MR. BEHRENBRINKER:</p> <p>15 Q. Correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And when you came into the 18 store, Andrew was wearing a winter coat or a winter 19 jacket. Is that correct?</p> <p>20 A. It was kind of like a hoodie. I don't 21 know if it was -- I would call it a jacket.</p> <p>22 Q. Okay. But it was a winter coat?</p> <p>23 A. Yeah. It was a hoodie.</p> <p>24 MR. FLYNN: Objection. Asked and 25 answered.</p>